

REMARKS

The present case is a continuation of U.S. Serial No. 09/285,329. By this preliminary amendment, Applicants have amended claims 1, 14, 15, 21, 25 and 26 and cancelled claims 36-108. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented, and Applicants reserve the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Claim 1 has been amended to recite a subcutaneous cavity marking device comprising at least one resilient bioabsorbable filler body, and at least one detectable marker affixed to said filler body, wherein said marker has a form which distinguishes said marker from calcifications in tissue. Amendments to certain dependent claims have been made to, inter alia, designate the location of the marker relative to the filler body, or to designate a particular form of the filler body. These amendments are clearly supported by the specification and Applicants believe claims are in condition for allowance.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

CONCLUSION

Basis for the amendments made herein are found in the specification. No new matter is being added. Accordingly, consideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would further expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.


In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 412692000401. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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By:


Cameron A. King
Registration No. 41,897

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6524
Facsimile: (415) 268-7522

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 14, 15, 21, 25 and 26 have been amended as follows:

1. (Twice amended) A subcutaneous cavity marking device comprising:
 - (a) at least one resilient bioabsorbable filler body, and
 - (b) at least one detectable marker [attached] affixed to said filler body, wherein [at least one of said detectable markers is located at or near a geometric center of said filler body] said marker has a form which distinguishes said marker from calcifications in tissue.
14. (Amended) The device of claim 1 wherein the marker is located within [an interior of the at least one] said filler body.
15. (Amended) The device of claim 1 wherein the marker is substantially located [within a geometric center of the at least one] about said filler body.
21. (Amended) The device of claim 1 wherein the marker has [a] the form of a band.
25. (Amended) The device of claim 1 wherein the marker [is fixedly attached to the at least one body] has the form of a barb.
26. (Amended) The device of claim [25] 1 wherein the marker is woven to the at least one body.